

Hearing on HB 1400
House Energy and Natural Resources Committee
Jan. 23, 2025

Testimony of Mark Staples, external affairs manager, The Nature Conservancy in North Dakota

Chair Porter and members of the House Energy and Natural Resources Committee:

For the record, my name is Mark Staples, external affairs manager for The Nature Conservancy in North Dakota. Our nonprofit organization has been working to help people and nature thrive for more than 70 years, including on-the-ground conservation in North Dakota since 1971. We work alongside private landowners, state and federal agencies, and nonprofit partners to restore and improve management of lands and waters.

The Nature Conservancy supports HB 1400 and appreciates the inclusion of an additional land management tool to administer the Environmental Impact Mitigation Fund. We encourage the committee to adopt an amendment to strengthen this chapter and continue developing energy resources while balancing impacts to natural habitat and working agricultural lands.

Using the Environmental Impact Mitigation Fund to purchase and maintain easements and leaseholds is a sensible use of this fund and should be subject to the same guidelines as restoration and mitigation activities already defined in this chapter. To that end, we recommend an amendment in Section 2, on line 17 of page 2 of HB 1400:

c. Purchasing and maintaining easements or leaseholds in habitat similar to that affected by the construction or operation of an energy conversion or transmission facility. Easements or leaseholds purchased under this section shall be held for no less than the duration of adverse impacts.

Furthermore, allowing dollars in the Environmental Impact Mitigation Fund to be invested with the State Investment Board is a good way to generate additional revenue that will be used to mitigate impacts in a timely manner. Annual updates on the status of deposits and expenditures in the fund—like through regular State Investment Board reports—are an important way to bolster public confidence in these mitigation efforts.

Scientists and energy siting experts with The Nature Conservancy have partnered with energy developers for years to provide recommendations on avoiding sensitive habitat whenever possible and offsetting the effects of development and operation where impacts cannot be avoided. Developers who voluntarily contribute to this fund have demonstrated a vested interest in seeing these funds deployed in a timely and targeted manner to achieve mitigation goals.

We urge the committee to consider and adopt this amendment and ultimately vote for a Do Pass recommendation on HB 1400. This concludes my testimony and I will stand for any questions.